

Remarks

I. Introduction

This is in response to the Office Action dated February 12, 2007.

Claims 1, 6, 16, 18-21, 24, 25, 27-29, 32, 33, 37, 39, and 41 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,956,573 (Bergen) in view of U.S. Patent No. 6,810,526 (Menard). Claims 2-4, 10-15, 22, 26, 34, 36, and 40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bergen in view of Menard and further in view of U.S. Patent No. 6,961,954 (Maybury). Claims 9, 30, and 43 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bergen in view of Menard and further in view of U.S. Patent Publication No. 2002/0152477 (Goodman). Claim 17 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bergen in view of Menard and further in view of U.S. Patent Publication No. 2001/0013123 (Freeman). Claim 38 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bergen in view of Menard and further in view of U.S. Patent No. 5,805,763 (Lawler). Claims 42 and 44 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bergen in view of Menard and further in view of U.S. Patent Publication No. 2000/0076378 (Omoigui). Claim 45 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bergen in view of Menard and Omoigui and further in view of U.S. Patent No. 6,289,346 (Milewski).

In response, Applicants have amended claims 21 and 33. Claims 5, 7, 8, 31, 35, 46, 47, 48, 49, and 50-51 were previously canceled. Claims 1-4, 6, 9-30, 32-34, and 36-45 remain for consideration, of which claims 1, 21, and 33 are the only independent claims.

II. Rejections under 35 U.S.C. §103

Claims 1, 6, 16, 18-21, 24, 25, 27-29, 32, 33, 37, 39, and 41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bergen in view of Menard. Claims 2-4, 10-15, 22, 26, 34, 36, and 40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bergen in view of Menard and further in view of Maybury. Claims 9, 30, and 43 stand rejected under 35 U.S.C.

§103(a) as being unpatentable over Bergen in view of Menard and further in view of Goodman. Claim 17 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Bergen in view of Menard and further in view of Freeman. Claim 38 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Bergen in view of Menard and further in view of Lawler. Claims 42 and 44 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bergen in view of Menard and further in view of Omoigui.

Applicants respectfully submit that Menard fails to show all of the elements of the claims ascribed to it. The Examiner admits that Bergen fails to show these elements, and the remaining references cited by the Examiner fail to cure the deficiencies of Bergen. As such, the Examiner has not made a prima facie case of obviousness.

The cited references fail to show or suggest all of the elements of Applicants' independent claims. For example, independent claim 1 recites, among other things:

calculating segments of the video assets, the segments comprising the corresponding portions and portions adjacent to the corresponding portions, where the adjacent portions are relevant to the corresponding portions and the user criterion (emphasis added).

Amended independent claim 21 recites the similar limitation of "wherein the video server determines a length of each video clip by including only portions corresponding to the user criteria and surrounding portions that relate to the corresponding portions *and the user criterion*" (emphasis added). Amended independent claim 33 recites the similar limitation of "where said second plurality of video inputs are relevant to the first plurality of video inputs *and the user search criterion*" (emphasis added). Applicants respectfully submit that these features are not shown in any of the cited references.

Independent claim 1 claims "segments comprising the corresponding portions and portions adjacent to the corresponding portions" and "the adjacent portions are relevant to the corresponding portions and the user criterion." That is, the segments are made up of at least two portions: the "corresponding

portions" and the "adjacent portions." According to independent claim 1, the "adjacent portions" that make up the "segments" are based on both the "corresponding portions" AND "the user criterion," rather than simply being chosen based on their proximity to the "corresponding portions." Applicants respectfully submit that this limitation of independent claim 1 has been overlooked in the present rejection and the reference cited by the Examiner as disclosing that limitation is actually silent on the matter.

Amended independent claims 21 and 33 recite similar features not mentioned in the cited references. Specifically, independent claim 21 recites "surrounding portions that relate to the corresponding portions AND the user criterion" (emphasis added) and independent claim 33 recites "said second plurality of video inputs are relevant to the first plurality of video inputs AND the user search criterion" (emphasis added).

In contrast, the cited references fail to show the limitation of basing the "adjacent portions" on both the "corresponding portions" and the "user criterion" as recited in independent claim 1 and similarly in amended independent claims 21 and 33. The Examiner admits "Bergen is silent on the segments comprising corresponding portions and portions adjacent to the corresponding portions are relevant to the corresponding portions and the user criterion" (Office Action, section 6). The present Office Action then refers to Menard, Page 6, lines 5-24 and page 7, lines 16-28 to show this limitation.

However, Applicants respectfully submit that the system of Menard does not base "adjacent portions" on both the "corresponding portions" and the "user criterion." Menard, in relevant part, states:

the user can look up the stored file representing a segment of video of interest. For example, the server 8 might store the previous 30 seconds and following 90 seconds of video around a word match in a file accessible to the user, who would then be free to download the entire file over the Internet 6 for viewing at leisure. (Menard, Page 7, lines 23-28).

That is, Menard's server stores an amount of video (e.g., 30 seconds, 90 seconds, etc.) around a portion of a video file corresponding to a word match.

This is an indiscriminate storage of video based simply on a time (presumably predetermined or determined by Menard's server) period "around a word match." The exemplary "previous 30 seconds and following 90 seconds of video" is not necessarily based on the word match (which Applicants presume the Office Action considers a "user criterion"). For example, the "previous 30 seconds" of video may be about "puppies" while the word match is for "Clinton" and "Middle East." See, for example, Menard, Page 4, lines 9-20. Obviously, the video about "puppies" is not related to the user criterion of "Clinton" and "Middle East" and the 120 second video is not calculated or based on both the user criterion and the corresponding portion. Thus, this section of Menard fails to show "calculating segments of the video assets, the segments comprising the corresponding portions and portions adjacent to the corresponding portions, where the adjacent portions are relevant to the corresponding portions and the user criterion" as recited in independent claim 1 and similarly in amended independent claims 21 and 33.

For these reasons alone, Applicants respectfully submit that Menard does not cure the deficiencies of Bergen and that these references neither alone nor in combination show the limitations of independent claim 1. Accordingly, Applicants request reconsideration and withdrawal of the §103 rejection of claim 1. Amended, independent claims 21 and 33 claim similar limitations to independent claim 1. For the reasons stated above, neither Menard nor Bergen, either alone or in combination, disclose these claimed limitations. Therefore, independent claims 21 and 33 are also allowable and Applicants request reconsideration and withdrawal of the §103 rejections of claims 21 and 33.

All remaining claims are dependent upon an allowable independent claim and are therefore also allowable. Applicants respectfully request reconsideration and withdrawal of the §103 rejections of dependent claims 2-4, 6, 9-20, 22-30, 32, 34, and 36-45.

Additionally, Applicants respectfully traverse the Office Actions "Response to Arguments" section and reiterate the arguments made in the Amendment filed

December 27, 2007. Applicants submit that the reasoning provided by the Examiner relies on an erroneous and unsupported definition of "periodically."

In the present Office Action, it is stated that "[t]he meaning of the word, periodically, can be interpreted as once in a while. Therefore, Menard's notification occurs when there is a word match once in a while." However, the Examiners interpretation of the word "periodically" as "once in a while" disregards the periodicity that is inherent in the word "periodically". No such re-definition of "periodically" exists in Menard and such a modification of the meaning of "periodically" does not exist in Applicants' Specification. In fact, Applicants use the terms "period," "periodic," and "periodically" throughout the Specification in accordance with their conventional usage (e.g., "according to a pre-determined schedule"). See, for example, Applicants' Specification at least at paragraphs [0027], [0056], and [0060] and the claims as filed. Further, the plain language meaning of "periodically" is "at *regular* intervals of time." One of skill in the art would recognize what a "period" is and that "periodically" refers to a regular or pre-determined schedule.

Applicants respectfully submit that the Examiner cannot resort to a definition that is contrary to both Applicants' Specification and the understanding of one of ordinary skill in the art, and then apply that definition to the claims. Accordingly, the reasoning rebutting Applicants' arguments, as presented in the present Office Action, is fundamentally flawed and without merit.

Applicants reiterate that independent claim 1 claims the limitation of "periodically notifying the user that the customized video presentation is available for access from a remote location" and that the cited references fail to show this limitation. Independent claims 21 and 33 recite similar features.

The Office Action admits that Bergen is silent on "periodically notifying the user that the customized video presentation is available for access from a remote location" and relies on Menard to cure the deficiencies of Bergen. Menard, however, does not disclose the claimed limitation of "periodically notifying the user that the customized video presentation is available for access from a remote

location," as claimed in independent claim 1 and similarly in independent claims 21 and 33.

The Office Action states that Menard discloses this limitation at Page 6, lines 5-24 and Page 7, lines 16-28 and also refers to FIG. 3 in the "Response to Arguments" section. FIG. 3 and these related passages of Menard disclose obtaining a user profile search (step 32 of FIG. 3), determining whether the user profile search contains a word that matches a word in a text stream obtained from a video signal (step 33 of FIG. 3), and notifying the user associated with the current user profile that a match has occurred (step 34 of FIG. 3). Thus, Menard notifies a user whenever a word match has occurred between a user profile search word and a text stream word in step 34 and not "periodically."

As discussed above, Applicants' independent claim 1 requires "periodically notifying the user that the customized video presentation is available for access from a remote location" and such a periodic nature is not described in Menard. For this additional reason, Applicants respectfully submit that Menard does not cure the deficiencies of Bergen and that these references neither alone nor in combination show the limitations of independent claim 1. Accordingly, Applicants request reconsideration and withdrawal of the §103 rejection of claim 1. Amended, independent claims 21 and 33 claim similar limitations to independent claim 1. For the reasons stated above, neither Menard nor Bergen, either alone or in combination, disclose these claimed limitations. Therefore, independent claims 21 and 33 are also allowable and Applicants request reconsideration and withdrawal of the §103 rejections of claims 21 and 33.

III. No New Matter Has Been Added

The amendments to claims 21 and 33 do not add new matter. Support for the claim amendments are shown throughout the Specification and at least in paragraph [0011].

IV. Conclusion

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Donald E. Marshall', is written over a horizontal line.

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